

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TASTY ONE, LLC,

Plaintiff

v.

EARTH SMARTE WATER, LLC,

Defendant

Case No.: 2:20-cv-01625-APG-NJK

**Order Deeming Order to Show Cause  
Satisfied**

Defendant Earth Smarte Water, LLC removed this action from state court on the basis of diversity jurisdiction. Earth Smarte did not identify the citizenship of the members of either the plaintiff or itself. *See Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (stating that “an LLC is a citizen of every state of which its owners/members are citizens”). Further, the plaintiff’s complaint did not state that more than \$75,000 is at stake and Earth Smarte did not present evidence of the amount in controversy. I therefore could not determine whether complete diversity exists or whether the amount in controversy was satisfied. So I ordered Earth Smarte to show cause why this action should not be remanded for lack of subject matter jurisdiction.

Earth Smarte responded with evidence showing the amount in controversy is satisfied. Additionally, it presented evidence that its sole member is an Arizona citizen and the plaintiff’s only known member is a Nevada citizen. I therefore will not remand at this time for lack of subject matter jurisdiction. However, the parties remain responsible for establishing subject matter jurisdiction exists in this case, including the citizenship of each of the entities’ members.

1 I THEREFORE ORDER that the order to show cause (ECF No. 4) is deemed satisfied  
2 and I will not remand this action for lack of subject matter jurisdiction at this time.

3 DATED this 28th day of September, 2020.

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6 ANDREW P. GORDON  
7 UNITED STATES DISTRICT JUDGE  
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